

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 18-20489

Hon. Thomas L. Ludington

vs.

JAMES D. PIERON, JR.

Defendant.

MOTION TO WITHDRAW AS COUNSEL

NOW COMES Mark S. Pendery, one of the attorneys for the Defendant, James D. Pieron, Jr., and moves this Court to allow him to withdraw as counsel for Mr. Pieron for the reasons stated in the attached Memorandum.

Counsel has contacted Assistant U.S. Attorney Jules DePorre and understands that the Government is not taking a position on the relief requested herein.

Respectfully submitted,

/s/ Mark S. Pendery

Mark S. Pendery P57683

Counsel for James Pieron, Jr.

mpendery@honigman.com

300 Ottawa Avenue, NW, Suite 400

Grand Rapids, MI 49503

Telephone: (616) 649-1910

Dated: March 18, 2021

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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Hon. Thomas L. Ludington

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Defendant.

MEMORANDUM IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL

Mark S. Pendery, one of the attorneys for the Defendant, James D. Pieron, Jr., is moving this Court to allow him to withdraw as counsel for Mr. Pieron.

Movant has participated as one of the attorneys for Mr. Pieron since shortly after he was convicted by a jury for one count of tax evasion of payment under IRC section 7201.

Movant is requesting to be relieved of his obligation to continue representing Mr. Pieron now that Mr. Pieron has retained Ken Sasse to represent him in this matter. Mr. Sasse was a member of the trial team and will no doubt advocate effectively for Mr. Pieron.

Local Court Rule 57.1 governs the appearance and withdrawal of attorneys in criminal cases. That rule provides:

- (a) An attorney, whether retained or appointed, who enters a post-indictment appearance shall continue to represent the defendant until the case is dismissed, the Defendant is acquitted, or the direct appeal is completed unless the attorney is granted leave to withdraw by the District Court or the Court of Appeals if notice of appeal has been filed.
- (b) An attorney who has appeared in a criminal case may thereafter withdraw only by written motion served upon the defendant personally or at the defendant's last-known address and upon all other parties. The Court may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interest of justice.

Movant submits that his request for withdrawal satisfies the local rule. Trial has already occurred and Mr. Sasse will represent Mr. Pieron at his sentencing on April 1, 2021. The government is not taking a position in the withdrawal. Movant is not aware of anything in his withdrawal that would "otherwise not be in the interest of justice" within the meaning of the local rule. Movant's withdrawal as counsel should be permitted.

Respectfully submitted,

/s/ Mark S. Pendery
Mark S. Pendery P57683
Counsel for James Pieron, Jr.
mpendery@honigman.com

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2021 I electronically filed the attached Motion To Withdraw As Counsel using the ECF system which will send notification of the filing to all counsel of record included in the ECF system and sent a copy of the motion via email and via First Class Mail to James Pieron, Jr.

Respectfully submitted,

/s/ Mark S. Pendery

Mark S. Pendery P57683

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